

REMARKS

In the last Office Action, the Examiner rejected claims 7 and 9 under 35 U.S.C. § 102(b) as unpatentable over Backman et al., U.S. Patent No. 5,902,347. The Examiner further rejected claims 17, 18, and 23 under 35 U.S.C. § 102(b) as unpatentable over Saylor et al., U.S. Patent No. 5,487,139. The Examiner also rejected claims 19-21 under 35 U.S.C. § 103(a) as obvious over Saylor et al. in view of Li, "Accuracy Assessment of Mapping Products." Finally, the Examiner rejected claim 22 under 35 U.S.C. § 103(a) as obvious over Saylor et al. in view of Kuo, U.S. Patent No. 5,596,494.

Rejections over Backman et al.

Claims 7 and 9 were rejected under 35 U.S.C. § 102(b) as unpatentable over Backman et al., U.S. Patent No. 5,902,347 (Backman). These claims recite, among other things, a processing platform for executing code capable of georeferencing a digital raster map. In the Office Action, the Examiner stated that the processor of Backman retrieves georeferenced map data from storage, and that it must execute some code to do so. (5/20/03 Office Action, p. 2.) However, as stated in the reference, the map data retrieved in Backman is already georeferenced. (Backman, col. 2, ll. 9-11.) Therefore, whatever code the Backman system may execute to retrieve the georeferenced map data would relate to retrieving data, not georeferencing a digital raster map, as recited in claims 7 and 9. Although Applicants maintain that claims 7 and 9 are allowable for at least this reason, Applicants propose amending claims 7 and 9 to more specifically claim aspects the invention.

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In particular, Applicants propose amending claim 7 to recite code that is capable of georeferencing a digital raster map by associating points on the digital raster map with corresponding points on a previously-georeferenced vector map and amending claim 9 to recite code that is capable of georeferencing a digital raster map by associating points on the digital raster map with known reference points in the digital raster map.

Backman does not teach code for georeferencing a digital raster map by associating points on the digital raster map with corresponding points on a previously-georeferenced vector map, as recited in amended claim 7. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131.01 (8th ed. 2001, revised February 2003). Because the reference does not teach every element of amended claim 7, it cannot anticipate the claim. Therefore, Applicants request the entry of the proposed amendment to claim 7 and the immediate allowance of claim 7.

Furthermore, Backman does not teach code for georeferencing a digital raster map by associating points on the digital raster map with known reference points in the digital raster map, as recited in amended claim 9. Because the reference does not teach every element of amended claim 9, it cannot anticipate the claim. Therefore, Applicants request the entry of the proposed amendment to claim 9 and the immediate allowance of claim 9.

Rejections over Saylor et al.

Claims 17, 18, and 23 were rejected under 35 U.S.C. § 102(b) as unpatentable over Saylor et al., U.S. Patent No. 5,487,139 (Saylor). Claims 19-22 were rejected

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under 35 U.S.C. § 103(a) as obvious over Saylor in view of Li, "Accuracy Assessment of Mapping Products" (claims 19-21) or in view of Kuo, U.S. Patent No. 5,596,494 (claim 22).

Independent claims 17 and 23 recite, among other things, computing a georeferencing function based on the pixel coordinates of a first point pair on a first map and the geographic coordinates of a second point pair on a second map. In the Office Action, the Examiner alleged that this claim element is taught by a conversion process of Saylor that imports vector data including latitude/longitude readings and converts the latitude/longitude readings into X,Y coordinate pairs to generate a vector image. The vector image is then overlaid and aligned with a raster map. (Saylor, col. 5, ll. 15-35; Fig. 2.) However, the conversion process of Saylor creates a vector image using imported vector data. It is not based on coordinates from two different maps (i.e., a first map and a second map), as recited in claims 17 and 23.

Further, the overlaying in Saylor matches X,Y coordinate pairs of the vector image with X,Y coordinates on a raster map. (Saylor, col. 2, ll. 25-60.) It is not based on pixel coordinates from one map and geographic coordinates from a second map, as recited in claims 17 and 23. Because Saylor does not teach computing a georeferencing function based on the pixel coordinates of a first point pair on a first map and the geographic coordinates of a second point pair on a second map, Applicants maintain that claims 17 and 23 are allowable. Nonetheless, Applicants propose amending claims 17 and 23 to more specifically claim aspects the invention.

In particular, Applicants propose amending claims 17 and 23 to recite a second map displayed in a second area that is separate from a first display area that displays a

first map. Saylor does not teach separate areas that display a first and second map, as recited in amended claims 17 and 23. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131.01 (8th ed. 2001, revised February 2003). Because the reference does not teach every element of amended claims 17 and 23, it cannot anticipate the claims. Therefore, Applicants request the entry of the proposed amendments to claims 17 and 23 and the immediate allowance of claims 17 and 23.

Claim 18 depends from claim 17 and was rejected for the same reasons as claim 17. Therefore, for at least the reasons given above with respect to claim 17, Applicants request the immediate allowance of claim 18.

Claims 19-21 depend from claim 17 and were rejected as obvious over Saylor in view of Li, "Accuracy Assessment of Mapping Products." To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. M.P.E.P. § 2143.03 (8th ed. 2001, Revised February 2003). At least for the reasons given above, Saylor does not teach or suggest (1) computing a georeferencing function based on the pixel coordinates of a first point pair on a first map and the geographic coordinates of a second point pair on a second map; or (2) a second map displayed in a second area that is separate from a first display area that displays a first map, as recited by claims 19-21 by virtue of their dependence from claim 17. Furthermore, Li does not cure these defects. Li merely teaches a standard deviation technique. Because the references do not teach or suggest every element of claims 19-21, Applicants request the withdrawal of the rejections of these claims.

Claim 22 depends from claim 17 and was rejected as obvious over Saylor in view of Kuo. At least for the reasons given above, Saylor does not teach or suggest (1) computing a georeferencing function based on the pixel coordinates of a first point pair on a first map and the geographic coordinates of a second point pair on a second map; or (2) a second map displayed in a second area that is separate from a first display area that displays a first map, as recited in claim 22 by virtue of its dependence from claim 17. Furthermore, Kuo does not cure these defects. Kuo merely teaches general rotational linear transformation. Because the references do not teach or suggest every element of claim 22, Applicants request the withdrawal of the rejections of this claim.

Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 7, 9, and 17-23 in condition for allowance. Applicants submit that the proposed amendments of claims 7, 9, 17, and 23 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.


In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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